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Appl. No. : 10/664,004 Confirmation No. 3904
Applicant : Burkett et al.
Filed : September 16, 2003
Art Unit : 3767
Examiner : Emily Louise Schmidt
Title : DISTALLY TEXTURED POLYMER COATED GUIDE
WIRE AND METHOD OF MANUFACTURE
Docket No.: : ACSG-62622 (G3714USO1)
Customer No. : 24201
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Commissioner for Patents
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Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is responsive to the Examiner's Answer mailed December 22, 2010 in the Appeal from the final Office action mailed May 28, 2010. This Reply Brief is being filed within the term provided as permitted under 37 C.F.R. § 1.193(b)(1), and is in compliance with 37 C.F.R. § 41.37.

ARGUMENT

GROUND I REJECTIONS

In the "EXAMINER'S ANSWER," at page 13, the Examiner still has failed to identify in the van Sloun et al. reference any structure that is a "randomized" tactile surface contour. The only structure that is identified in the final Office action and in the Examiner's Answer that relates to the tactile surface contours is the helical coil 6 depicted in FIG. 1 of van Sloun et al. There is no teaching in van Sloun et al. to suggest that coil 6 has any configuration other than a helical coil. Further, neither FIG. 1 of van Sloun et al. nor the specification show or discuss the helical coil 6 having a "randomized" pattern or structure. Referring to claim 1 of the invention, the Examiner is arguing that the portion of the claim limitation reciting "at least one of" means that the wire core includes either a randomized or a non-randomized tactile surface contour. In other words, the Examiner is ignoring the conjunction "and" between randomized and non-randomized, and instead is reading the claim limitation to be "randomized or non-randomized" tactile surface contours. The language in claim 1, however, cannot be more clear. Claim 1 recites in pertinent part "wherein at least a section of the elongated wire core includes at least one of randomized and non-randomized tactile surface contour." As recited in claim 1, the elongated core wire will have a minimum of at least one randomized and one non-randomized tactile surface contour. For this reason alone, the rejection of claims 1, 3, 6, 10, 11, 13 and 15 as being anticipated by van Sloun et al. cannot be maintained.

GROUND II REJECTIONS

The Examiner argues at pages 13 and 14 of the Answer that Applicant has not provided any special definition or claim limitations which disclose in what way or to what degree the tactile surface contours must be, for example, ordered or disordered, alike or different, to be considered randomized or non-randomized. In the specification, at page 9, ll. 24-26, the FIG. 5 bumps 58 are described as follows:

These bumps 58 may be in an organized, non-randomized pattern with uniform shapes and sizes; or they may be randomized in their locations, sizes and shapes.

As set forth in the specification, a "non-randomized" tactile surface contour requires a pattern with uniform shapes and sizes. In contrast, "randomized" tactile surface contour is random in their "locations, sizes and shapes." Thus, the claim terms "randomized" and "non-randomized" are clearly defined in the specification, including the drawings. The Examiner finds the prior art reference to Tezuka to teach "randomized" tactile surface contours because Tezuka shows that the surface contours can be of varied sizes and it teaches that the projections may vary depending on the user's desired shape, citing col. 5, ll. 5-8 of Tezuka. As can be seen from Appellant's specification, however, to be "randomized" the tactile surface contours must be random in more than just size and shape, that is their "location" on the core wire 64 must be random. Thus, Tezuka fails to teach randomized "locations" of the projections shown in Tezuka.

GROUND III REJECTIONS

At page 14 of the Answer, the Examiner relies on the arguments made for the GROUND II Rejections. Accordingly, in response Appellant relies on its arguments presented *supra* for GROUND II.

CONCLUSION

For the foregoing reasons, it is maintained that the Examiner's rejections of claims 1-3, 6, 7, 10-17 and 31 were therefore in error. Accordingly, Appellants respectfully request reversal of all rejections.

The Commissioner is authorized to charge any deficiencies in fees or credit any overpayments to our Deposit Account No. 06-2425.

Respectfully submitted,

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JSN:jeb